



City of Carmel

Carmel/Clay Board of Zoning Appeals March 25, 2002

The regularly scheduled meeting of the Board of Zoning Appeals opened with the Pledge of Allegiance on March 25, 2002 at 7:00 PM in the Council Chambers of City Hall, Carmel, Indiana.

Board members present were: Leo Dierckman; Michael Mohr; and Pat Rice, thereby establishing a quorum.

The Department of Community Services staff in attendance were: Michael Hollibaugh, Director; Jon Dobosiewicz; Laurence Lillig; Adrienne Keeling; and Jeff Kendall. John Molitor, Legal Counsel, was also present.

The minutes of the February meeting were approved as submitted.

John Molitor reported the Executive Session scheduled for this evening did not occur. Mr. Molitor suggested an Executive Session for April 9th at 6:00 PM in the Caucus Rooms. The Executive Session would be held prior to the Plan Commission Committee meetings—Topic of discussion would be Kingswood/Martin-Marietta litigation and WTF, Sprint Spectrum (Queen's Way); this was agreeable to the Board.

H. Public Hearing:

1h. *This Item Currently Tabled at Petitioner's Request:*

WTF - Sprint Spectrum (A-97-01)

Appellant (an Interested Party) wishes to appeal the decision of the Director regarding the collocation of a WTF antenna on an existing private radio tower.

The site is located at 1388 Queen's Way. The site is zoned S-1/Residence – Very Low Density.

Filed by J. Taggart Birge of Bose McKinney & Evans for Richard Deer.

2-3h. **Bauer Commercial Park - World Wide Motors (V-163-01; V-164-01)**

Petitioner seeks approval to vary *Section 25.7.02-7(b)* in order to establish a third Identification Sign. The petitioner also seeks approval to vary *Section 25.7.02-7(e)* in order to establish a Ground Identification Sign within the setback from the proposed right-of-way as identified on the Thoroughfare Plan.

The site is located at 3900 East 96th Street. The site is zoned B-3/Business.

Filed by Michael T. Crowley of The Reis Law Firm for World Wide Motors, Inc.

Mike Crowley of The Reis Law Firm, 12358 Hancock Street, Carmel, and Mark Monroe were present on behalf of the applicant. Also in attendance were Bob Zeltman of Atlas Sign Company, Michael Pesarek and Mike Homer of Mercedes Benz.

The petitioner is requesting a third identification sign to match existing signs. The petitioner feels the additional sign is needed in order to be competitive and will equal the number of signs for other auto dealerships in the area.

The petitioner is also requesting approval to establish the ground identification sign within the setback from the proposed right-of-way. The sign would not be visible if it were placed 80 feet from the centerline. The ground sign will have plantings around the base, and the planting detail will be as shown in the informational booklet.

Members of the public were invited to speak in favor of or opposition to the petitions. No one appeared and the public hearing was closed.

Laurence Lillig gave the Department Report. The Department recommends negative consideration of these petitions. However, if the Board decides to grant these petitions, the Department recommends conditioning any approval upon the recording of Commitments that require the removal of the sign at the owner's expense at such time as the City or other unit of government acquires additional right-of-way necessitating relocation of the sign. The draft of these Commitments submitted to the Department has been determined to be acceptable.

Leo Dierckman moved for approval of **V-163-01, Bauer Commercial Park, World Wide Motors**, seconded by Pat Rice, **APPROVED 3-0**.

Leo Dierckman moved for approval of **V-164-01, Bauer Commercial Park, World Wide Motors, conditioned upon** a recorded commitment that the petitioner will either remove or relocate the ground sign at owner's expense if a governmental unit acquires additional right-of-way from the owner. Following a second by Pat Rice, the motion was **APPROVED 3-0**.

4-10h. Carmel/Clay Schools - Forest Dale Elementary (SUA-1-02; V-2-02; V-3-02; V-4-02; V-5-02; V-6-02; V-7-02)

Petitioner seeks approval of a 25578-square-foot addition to an existing 78000-square-foot School of General Elementary Education on 22.251± acres. Petitioner also seeks the following Developmental Standards Variances:

<i>V-2-02</i>	ZO 25.7.01-2	27.17-square-foot Traffic Directional Sign A
<i>V-3-02</i>	ZO 25.7.01-2	26.83-square-foot Traffic Directional Sign B
<i>V-4-02</i>	ZO 25.7.01-2	26.83-square-foot Traffic Directional Sign C
<i>V-5-02</i>	ZO 25.7.01-2	26.83-square-foot Traffic Directional Sign D
<i>V-6-02</i>	ZO 25.7.02-5(c)(ii)	24-square-foot Changeable Copy Sign
<i>V-7-02</i>	ZO 25.7.02-5(d)	6' 2" Ground Sign

The site is located at 10711 Lakeshore Drive West. The site is zoned S-2/Residence. Filed by Jeff Bolinger of Fanning/Howey Associates for Carmel/Clay Schools.

Alan Cradler, architect with Fanning/Howey Associates appeared before the Commission representing the applicant. Ron Farrand of Carmel/Clay Schools was also in attendance.

The Forest Dale Elementary School is being expanded, and certain site modifications are proposed to the existing facility. The addition will be a similar massing blending into the existing building. Accent brick colors will be added to the building as well as an entrance canopy, new windows and roofing materials.

Curbing will be included at all new and expanded parking area perimeters; the curb cut to the south will be retained and the two curb cuts to the north will be aligned. The number of parking spaces will total 130. The parking lot light fixtures in the north lot are 20 feet in height; the proposed fixtures for the lot in front of the building and the south lot are 30-foot fixtures, shoebox, down lighting. According to Mr. Cradler, the taller fixtures eliminate the need to increase the number of fixtures.

Regarding the signage: The building identification sign will have changeable copy in excess of the allowable; directional traffic signage will also be in excess of the size limitations. The proposed size of 36 square feet is within the total allowable area for both changeable copy and institutional signage of 46 square feet. The changeable copy area of 24 square feet exceeds the allowable of 16 square feet. The overall height of the 6 feet, 2 inches proposed sign exceeds the allowable height of five feet. The directional signs are 24 square feet. Street numbers will be added to the school identification sign.

Members of the public were invited to speak in favor of, or opposition to the petitions. No one appeared and the public hearing was closed.

Laurence Lillig gave the Department Report. A Landscape Plan review letter dated March 25, 2002 from Scott Brewer, the City's Urban Forester, was distributed to the Board and provided to the petitioner. The following modifications to the Traffic Directional Signs (Docket Nos. V-2-02; V-3-02; V-4-02; V-5-02) were noted: a) Sign A has been reduced to 12.33 square feet in area; b) Signs B, C, and D have been reduced to 14.5 square feet in area (see Sheet G4.1 in the informational packet.)

The Department recommends favorable consideration of **Docket No. SUA-1-02** conditioned upon the petitioner working with the Urban Forester to address the Landscape Plan comments in his review letter. The Department recommends favorable consideration of **Docket Nos. V-2-02 through V-5-02** as amended. The Department recommends favorable consideration of **Docket Nos. V-6-02 and V-7-02**.

Pat Rice moved for approval of **SUA-1-02, Carmel/Clay Schools, Forest Dale Elementary, conditioned upon** the petitioner working with the Urban Forester to address his comments contained in a letter dated March 25, 2002, and supplied to the petitioner at this public hearing. Following a second by Leo Dierckman, the motion was **APPROVED 3-0**.

Leo Dierckman moved for approval of **V-2-02, Carmel/Clay Schools, Forest Dale Elementary**, traffic directional sign A, as amended to 12.33 square feet. Following a second by Pat Rice, the motion was **APPROVED 3-0**.

Leo Dierckman moved to suspend the Rules of Procedure to allow V-3-02, V-4-02, and V-5-02 to be voted in one motion, seconded by Pat Rice, approved 3-0.

Leo Dierckman moved for approval of **V-3-02, V-4-02, and V-5-02, Carmel/Clay Schools, Forest Dale Elementary**, traffic directional signs B, C, and D, as amended to 14.5 square feet. Following a second by Pat Rice, the motion was **APPROVED 3-0**.

Pat Rice moved for approval of **V-6-02, Carmel/Clay Schools, Forest Dale Elementary**, 24 square foot changeable copy sign. The motion was seconded by Leo Dierckman and **APPROVED 3-0**.

Leo Dierckman moved for approval of **V-7-02, Carmel/Clay Schools, Forest Dale Elementary**, a 6-foot, two-inch ground sign. The motion was seconded by Pat Rice and **APPROVED 3-0**.

11h. **Merchants' Pointe, Lot 2 – O'Charley's (V-9-02)**

Petitioner seeks approval of a Developmental Standards Variance of *Section 25.7.02-8(b)* in order to install a wall identification sign on a façade without frontage on a public street.

The site is located at 2293 East 116th Street. The site is zoned B-8/Business.

Filed by Susan Seymour of Bell Signs, Inc., for O'Charley's, Inc.

TABLED to April 22, 2002 meeting due to faulty Public Notice.

12-14h. **Long Branch Estates, Section 1, Block C (SU-10-02; V-11-02; V-12-02)**

Petitioner seeks Special Use approval in order to establish a Private Recreational Facility on 6.211± acres. Petitioner also seeks the following Developmental Standards Variances:

V-11-02 ZO 25.17.1(A) 880-square-foot Commercial Swimming Pool

V-12-02 ZO 26.4.5(c) Zero-foot (0') front bufferyard

The site is located at 3834 Castle Rock Drive. The site is zoned S-1/Residence – Estate.

Filed by Donald W. Fisher of Insight Engineering, Inc., for Northside Investments, LLC.

Paul Rioux, 7568 Ten Springs Drive, Fishers, developer with Platinum Properties, appeared before the Board representing the applicant.

Mr. Rioux is requesting approval to establish a Private Recreational Facility for the exclusive use of the residents and guests of Long Branch Estates Subdivision. The petitioner is also requesting approval to vary the size of the swimming pool to an 880 square-foot Commercial Swimming Pool on site and eliminate the front bufferyard requirement.

Members of the public were invited to speak in favor of, or opposition to the petitions; no one appeared and the public hearing was closed.

Laurence Lillig reported for the Department. The Department recommends favorable consideration of **Docket No. SU-10-02**, the petition for a Private Recreational Facility, Conditioned upon the following:

- 1) The Lifeguard Commitment is to be rendered as a recordable document.
- 2) The Commercial Swimming Pool is to be a minimum of two thousand square feet in area (requires a denial of **Docket No. V-11-02**.)

- 3) The revised site plans illustrating the two thousand-square-foot swimming pool are to be submitted to the Department.
- 4) (Unnecessary by virtue of the withdrawal of **Docket No. V-12-02.**)
- 5) A revised Landscape Plan showing the side bufferyard plantings extending along the entire length of the side lot lines of the Lots adjoining to the east and west, as well as showing the five-foot front bufferyard is to be submitted to the Department.

The Department recommends negative consideration of **Docket No. V-11-02.**

Leo Dierckman moved for approval of **SU-10-02, Long Branch Estates, Section 1, Block C, subject to** the inclusion of a landscape buffer/plantings along the east, west and south property lines; the lifeguarding commitment is to be rendered to the Department in recordable form. The motion was seconded by Pat Rice and **APPROVED 3-0.**

Leo Dierckman moved for approval of **V-11-02, Long Branch Estates, Section 1, Block C,** to establish an 880 square-foot Commercial Swimming Pool on site. The motion was seconded by Pat Rice and **APPROVED 3-0.**

Docket No. V-12-02 was WITHDRAWN by the petitioner.

15h. **Bauer Commercial Park – Penske Honda, Building 1 (V-13a-02; V-13b-02)**

Petitioner seeks approval of a Developmental Standards Variance of *Section 25.7.02-7(c)* in order to establish a 123.5-square-foot Paint & Body Shop sign on the west façade of the building. Petitioner also seeks the Board's approval of the final design of the 90-square-foot Identification Sign approved per **Docket No. V-101-01** on September 24, 2001.

The site is located at 4100 East 96th Street. The site is zoned B-3/Business.

Filed by Charles D. Frankenberger of Nelson & Frankenberger for Dan Young Motors, LLC.

Jim Shinaver, attorney with Nelson & Frankenberger, and Lennie George, General Manager of Penske Chevrolet Dealership, were in attendance representing the applicant.

The previously approved signage on the south elevation of the dealership reads "Certified" in blue with the Honda logo, also in blue. The sign is 90 square feet. The variance requested is to change the "Certified" from blue to red, and the font from print to cursive.

The west elevation was granted a variance last year permitting a 105-square-foot, blue sign, including the words "Paint and Body Shop Entrance." The current request is to state twice the word "Entrance" (one on each of two doors) and to obtain approval of a sign that is 123.5 square feet.

Members of the public were invited to speak in favor of, or opposition to the petitions; no one appeared and the public hearing was closed.

Department Report, Laurence Lillig. The Department is recommending negative consideration of the petition for a 123.5 square foot sign. The Department feels the 105-square-foot sign

approved at this location is more than adequate. The Department has no recommendation regarding the aesthetics of the sign previously approved as Docket No. V-101-01.

There was much discussion regarding the 90-square-foot wall sign originally approved September 24, 2001 and the aesthetics of the sign package.

The petitioner formally withdrew Docket No. V-13a-02 and agreed to comply with the original approval granted in 2001.

Leo Dierckman moved for approval of V-13b-02, a 123.5 square foot Paint & Body Shop sign on the west façade of the building. The motion was seconded by Pat Rice and APPROVED 3-0.

I. Old Business.

None

There being no further business to come before the Board, the meeting was adjourned at 8:25 PM.

Michael Mohr, President

Ramona Hancock, Secretary